



Andorra

Country Reports on Human Rights Practices - [2001](#)

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The Principality of Andorra is a constitutional parliamentary democracy. Two Princes with joint authority, representing secular and religious authorities, have headed the Principality since 1278. Under the 1993 Constitution, the two Princes--the President of France and the Catholic Bishop of Seu d'Urgell, Spain--serve equally as heads of state, and each is represented in Andorra by a delegate. In March elections, which domestic elections monitors considered to be free and fair, were held to choose the 28 members of the "Consell General" (the Parliament) which selects the head of government. The judiciary is independent.

Andorra has no defense force and depends on neighboring Spain and France for external defense. The national police, under effective civilian control, have sole responsibility for internal security.

The country has a total population of approximately 66,800, and its neighbors France and Spain influence the market-based economy significantly. Commerce and tourism are the main sources of income; however, the number of tourists decreased during the year by approximately 5 percent, which created a slowdown in the economy.

The Government generally respected the human rights of its citizens, and the law and the judiciary provide effective means of dealing with individual instances of abuse. Violence against women increased, and there was some discrimination against women in the workplace. There were some limits on workers rights. Some immigrant workers complained that they do not have the same labor rights and security as citizens, despite legal protections.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life by the Government or its agents.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices, and there were no reports that government officials employed them.

Prison conditions generally meet international standards. Men and women are held separately, as are juveniles and adults. Pretrial detainees also are held separately from convicted criminals. The Government permits visits by independent human rights monitors; however, no such visits occurred during the year.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest, and detention, and the Government generally observes these prohibitions.

Police legally may detain persons for 48 hours without charging them with a crime. Warrants are required for arrest. In spite of the 2000 request of the Council of Europe's Committee for the Prevention of Torture, the Government has declined to modify the law to provide arrested individuals access to an attorney from the moment of arrest. Legislation provides for legal assistance only 25 hours after the time of arrest. There is a system of bail.

In 2000 the country became part of a network of 47 states with prisoner transfer arrangements permitting qualifying prisoners to serve their sentences in their own country.

In 2000 an attorney filed a complaint against the director of the police, 2 police commissioners, and 11 members of the police force, alleging that he was arrested illegally; however, the court rejected the case because of lack of evidence.

The Constitution prohibits forced exile, and the Government does not employ it.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respects this provision in practice.

The highest judicial body is the five-member Superior Council of Justice. One member each is appointed by: The two Princes; the head of government; the President of the Parliament; and, collectively, members of the lower courts. Members of the judiciary are appointed for 6-year terms.

The Constitution provides for the right to a fair trial, and an independent judiciary generally enforces this right.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides citizens with safeguards against arbitrary interference with their "privacy, honor, and reputation," and government authorities generally respect these prohibitions. Private dwellings are considered inviolable. No searches of private premises may be conducted without a judicially issued warrant. Violations are subject to effective legal sanction. The law also protects private communications.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respects these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and of the press, including academic freedom.

There are two independent daily newspapers, *Diari d'Andorra* and *El Periódico de Andorra*. There is one radio station and one television station.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the freedoms of assembly and association, and the Government generally respects these rights in practice.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respects this right in practice. The Constitution acknowledges a special relationship between the Roman Catholic Church and the State, "in accordance with Andorran tradition." The Catholic Church receives no direct subsidies from the Government, although some payment is provided to the Church for maintenance of birth and death records.

Catholic religious instruction is available to students in public schools on an optional basis, outside of both regular school hours and during the timeframe set aside for elective school activities, such as civics or ethics. The Catholic Church provides teachers for these classes, and the Government pays their salaries.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respects them in practice.

The law does not provide for the granting of refugee or asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The law does not specifically provide for first asylum; however, the government has provided first asylum. The issue of first asylum did not arise during the year.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. There are three political parties: The Andorran Liberal Party (ALP), the Centrist Democratic Party (CDP), and the Social Democratic Party (SDP).

Parliamentary elections were held on March 4, and 81.6 percent of eligible voters took part. The election was run smoothly, and considered to be free and fair by domestic monitors. The ALP, (the head of Government's Party), retained its absolute majority, winning 15 of the 28 seats in Parliament. The CDP and the SDP won five and six seats respectively. A local group won two seats.

The percentage of women in government and politics does not correspond to their percentage of the population. Although progress has been made, and there are no formal barriers, few women have run for office. Of 28 Members of Parliament, 4 are female, and 3 women hold cabinet level positions.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups in general operate in the country without government restriction, investigating and publishing their findings on human rights cases. Government officials are very cooperative and responsive to their views. Approximately 10 human rights associations exist in the country, the most active being the Association of Immigrants in Andorra (AIA), which defends the rights of foreign residents, and the Association of Andorran Women (AAW), which actively supports women's rights (see Section 5). The Red Cross has a presence within the country.

An ombudsman receives and addresses complaints, many of which are against the Government's policy. For example, the ombudsman was able to secure a permit for the Muslim community in Andorra, which requested help in obtaining a residence permit for the imam of their mosque.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution declares that all persons are equal before the law and prohibits discrimination on grounds of birth, race, sex, origin, religion, opinions, or any other personal or social condition, although the law grants many rights and privileges exclusively to citizens.

Women

Observers maintained that violence against women persisted. The AIA and the AAW received 30 complaints of physical and psychological violence against women during the year, compared with more than 60 in 2000. Women suffering from domestic violence requested help from the AIA and the AAW but very rarely filed a complaint with the police. The AIA and the AAW also asserted that such domestic violence existed at all levels of society. There is no specific legislation regarding violence against women, although other laws may be applied in such cases. No complaints were known to have been filed with the police during the year.

The law prohibits discrimination against women, privately or professionally; however, the AAW reported that in practice, there have been many cases of women dismissed from employment due to pregnancy. Women did not earn equal pay for equal work; observers estimate that women earn 25 percent less than men for comparable work, although this gap continued to lessen slowly.

The AAW actively promoted women's issues through information exchanges and limited direct support to those in need; the AAW collaborates with the Department of Public Health and Social Welfare to help battered women, single parent families, and others in need. In spite of demands from both the AAW and the AIA, the Government has declined to create a department specifically for women's issues; however, in June the Government created a Secretariat of State for the Family.

Children

The Government is committed to children's welfare; it has a system of health care and education. The Secretariat of State for the Family is responsible for promoting children's welfare. Free public education begins at age 4 and is compulsory until age 16; school attendance until that age is universal. The Government provides free nursery schools, although the number of nursery schools continued to fall short of the needed number.

The Government has not ratified ILO Convention 182 on the worst forms of child labor.

There is no societal pattern of abuse of children.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, or in the provision of other state service, and there were no reports that it occurred. Societal discrimination does exist on a small scale.

The law mandates access to new buildings for persons with disabilities, and the Government generally enforces these provisions in practice.

National/Racial/Ethnic Minorities

Spanish nationals are the largest group of foreign residents, accounting for approximately 41 percent of the population. Other sizable foreign groups include Portuguese, French, and British. A small but growing group of immigrants, especially from North Africa, work mostly in agriculture and construction. Some immigrant workers complained that they do not have the same labor rights as citizens (see Section 6.e.).

Approximately 7,000 immigrants working in the country do not have work permits or residence permits because the quota for immigration is not as high as the number of workers needed and employed in the country.

Section 6 Worker Rights

a. The Right of Association

The Constitution recognizes the right of all persons to form and maintain managerial, professional, and trade union associations without prejudice; however, necessary implementing legislation had not been passed by year's end. In accordance with constitutional provisions, the Government maintains a registry of associations. Approximately 600 associations exist in the country and have registered with the Government. At year's end, this figure included cultural associations, workers associations, foreign associations, colleges of attorneys, and colleges of physicians. For example, the police union functions more as a professional association than as a union. No unions have emerged among workers in the private sector, and the public sector was awaiting legislation that would make it legal for the formation of a union.

In September a federation workers' association officially was formed that aims to regularize labor relations through dialog. At year's end, it was negotiating with the Government on the drafting of a law for the protection of workers in trade unions, and to develop social security system and labor relations.

Neither the Constitution nor the law state explicitly that strikes are permitted, and there were no strikes during

the year.

b. The Right to Organize and Bargain Collectively

The Constitution states that both "workers and employers have the right to defend their own economic and social interests"; however, there is no law that specifically provides for collective bargaining. Parliament is charged with adopting legislation to regulate this right in order to guarantee the provision of essential services, such as the vital services of doctors, nurses, and police; however, it had not done so by year's end.

Antiunion discrimination is not prohibited under the law, although there were no reports of such discrimination during the year.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law does not prohibit forced and bonded labor; however, such practices are not known to occur.

The law does not prohibit specifically forced and bonded labor by children; however, there were no reports of such practices.

d. Status of Child Labor Practices and Minimum Age for Employment

Children under the age of 18 generally are prohibited from working, although in exceptional circumstance children ages 16 and 17 may be allowed to work. The Labor Inspection Office in the Ministry of Social Welfare, Public Health, and Labor is responsible for enforcing child labor regulations.

The law does not specifically prohibit forced and bonded labor by children; however, such practices are not known to occur (see Section 6.c.).

e. Acceptable Conditions of Work

The workweek is limited to 40 hours, although employers may require overtime from workers. The legal maximum for overtime hours is 66 hours per month and 426 hours per year. An official minimum wage is set by government regulations, although other, higher wages are established by contract. The minimum wage is \$3.65 (705 pesetas) per hour and \$633 (122,200 pesetas) per month. The minimum wage does not provide a decent standard of living for a worker and family. The Labor Inspection Office enforces minimum wage observance.

Workers may be dismissed with 15 days' to 6 months' notice, depending on how long they have been working for the company. A minimal indemnification of 1 month's salary per year worked is paid if a worker is fired without justification. A dismissed worker receives unemployment and health benefits for only 25 days. A board composed of Andorran nationals, although they represent only a small portion of the work force, controls retirement benefits. The Labor Inspection Service hears labor complaints.

The Labor Inspection Service sets occupational health and safety standards and takes the necessary steps to see that they are enforced. During the year, the Labor Inspection Service filed 193 complaints against companies for violating labor regulations, and it has the authority to levy sanctions and fines against such companies. Although the law authorizes employees to refuse certain tasks if their employers do not provide the customary level of protection, no legislation grants workers the right to remove themselves from dangerous work situations without jeopardy to their continued employment.

Although the Constitution provides that foreign legal residents are to enjoy the same rights and freedoms as citizens, some immigrant workers believed that they did not have the same rights and security. Many immigrant workers hold only "temporary work authorizations," which are valid only as long as the job exists for which the permit was obtained. When job contracts expire, temporary workers must leave the country. The Government prohibits the issuance of work permits unless workers can demonstrate that they have a fixed address with minimally satisfactory living conditions.

f. Trafficking in Persons

The law does not prohibit specifically trafficking in persons, although the law does provide punishment for traffickers of illegal workers; however, there were no reports that persons were trafficked to, from, or within the country.